

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: LIBERTY UTILITIES (MIDSTATES NATURAL GAS) CORP., d/b/a LIBERTY UTILITIES	DOCKET NO. RPU-2016-0003 (TF-2016-0303, TF-2016-0304, TF-2016-0305, TF-2016-0306)
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**ORDER MODIFYING PROCEDURAL SCHEDULE AND
SETTING NEW INTERVENTION DATE**

(Issued September 23, 2016)

On July 25, 2016, Liberty Utilities (Midstates Natural Gas) Corp., d/b/a Liberty Utilities (Liberty), filed with the Utilities Board (Board) an application for a rate increase. On August 16, 2016, the Board issued an order setting a procedural schedule in this proceeding. The procedural schedule set August 30, 2016, as the deadline for applications to intervene. The schedule also specified that prepared direct testimony was to be filed on October 26, 2016, by the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, and any intervenors in the proceeding. If OCA and any intervenors determined it was necessary to file a rebuttal to each other's testimony, that testimony was to be filed on or before November 9, 2016. Reply testimony was to be filed by Liberty on or before December 14, 2016.

On September 14, 2016, the Board issued an order granting a petition to intervene filed by the city of Keokuk. No other petitions to intervene have been received to date.

On September 19, 2016, OCA filed a motion to modify the procedural schedule. In support of the motion, OCA states that a deadline of October 26, 2016, for its direct testimony does not provide enough time for OCA to fully investigate the complex issues raised in Liberty's application and the additional information Liberty has since provided to correct deficiencies in the initial filing. OCA suggests that the procedural schedule could be modified without moving the hearing date by eliminating the November 9, 2016, date for OCA and intervenors to file rebuttal testimony. OCA explains that the city of Keokuk agrees that the November 9 date for OCA and intervenor rebuttal testimony can be eliminated. OCA requests that November 9 be the date for OCA and intervenors to file their direct testimony.

On September 20, 2016, Liberty filed a resistance to OCA's motion. Liberty notes that the existing procedural schedule allows Liberty six weeks to file its reply testimony. Liberty states that when OCA contacted Liberty to discuss the requested extension, Liberty explained it could not agree to the requested two-week extension, which would shorten Liberty's time to investigate the issues raised in OCA's testimony and the testimony of the city of Keokuk and prepare reply testimony. Liberty also explains that a corresponding two-week extension of the deadline for its reply testimony would create a conflict with deadlines in Liberty's ongoing rate case in Illinois, which Liberty has already sought to modify to accommodate the schedule in the Iowa proceeding. Liberty states that if the Board decides to allow OCA additional time, it should grant OCA no more than a one-week extension.

The Board has considered OCA's motion and Liberty's resistance and will modify the procedural schedule by eliminating the opportunity for OCA and intervenors to rebut each other's direct testimony. The Board will allow OCA and intervenors additional time to file direct testimony, but will not grant the full two-week extension requested by OCA. Instead, OCA and any intervenors shall file prepared direct testimony with underlying workpapers and exhibits on or before November 7, 2016. The Board will also extend the deadline for Liberty to file its reply testimony from December 14 to December 19, 2016. The remainder of the procedural schedule will remain unchanged, with one exception.

At the customer comment meeting held in this matter on September 15, 2016, a customer asked the presiding officer about the possibility of intervening in this matter, even though the deadline for applying to intervene had passed. The presiding officer explained that a person could ask the Board to consider a late-filed petition to intervene, but the Board can also modify the procedural schedule to accommodate any additional people who may wish to apply for intervention at this time. The Board will modify the procedural schedule in this matter by adding a new intervention deadline of October 3, 2016. The Board will also require that responses to any applications to intervene that are filed by October 3 be filed by October 7. In the event that the Board grants any further applications to intervene, the intervening parties shall be bound by the procedural schedule established in this order.

IT IS THEREFORE ORDERED:

The procedural schedule originally established on August 16, 2016, in Docket No. RPU-2016-0003, is modified as follows:

1. Applications to intervene shall be filed on or before October 3, 2016.
2. Responses to any applications to intervene shall be filed on or before October 7, 2016.
3. The Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, and any intervenors shall file prepared direct testimony, with underlying workpapers and exhibits, on or before November 7, 2016. If a party references a data request in its prepared testimony, the data request shall be filed as an exhibit. Parties should follow the filing instructions provided on pages 10 and 11 of the August 16, 2016, order establishing procedural schedule.
4. The November 9, 2016, date for the filing of rebuttal testimony between the Office of Consumer Advocate and intervenors is eliminated.
5. Liberty Utilities (Midstates Natural Gas) Corp., d/b/a Liberty Utilities, shall file its reply testimony, with underlying workpapers and exhibits, on or before

December 19, 2016. Liberty should follow the filing instructions provided on pages 10 and 11 of the August 16, 2016, order establishing procedural schedule.

UTILITIES BOARD

/s/ Geri D. Huser

/s/ Elizabeth S. Jacobs

ATTEST:

/s/ Trisha M. Quijano
Executive Secretary, Designee

/s/ Nick Wagner

Dated at Des Moines, Iowa, this 23rd day of September 2016.